

SUBCHAPTER 1261

OBSERVANCE OF HOLIDAYS IN FOREIGN AREAS

TABLE OF CONTENTS

<u>SECTIONS</u>	<u>Page</u>
A. Purpose	1261-1
B. Applicability and Scope	1261-1
C. Policy	1261-1
D. Responsibilities	1261-2

SUBCHAPTER 1261

OBSERVANCE OF HOLIDAYS IN FOREIGN AREAS

- References:**
- (a) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
 - (b) Executive Order 11582, "Observance of Holidays by Government Agencies," February 11, 1971

A. PURPOSE

This Subchapter implements DoD policy and provides principles and procedures concerning the observation of holidays by DoD employees in foreign areas.

B. APPLICABILITY AND SCOPE

This Subchapter applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD field activities, with the exception of the DoD Education Activity.

C. POLICY

It is DoD policy under DoD Directive 1400.25 (reference (a)) that:

1. Principles

(a) Consistent with mission requirements, U.S. citizen employees, regardless of their location, shall be permitted to observe official U.S. holidays as described in E.O. 11582 (reference (b)). U.S. citizen employees who are required to work on an official U.S. holiday must receive appropriate premium pay.

(b) Foreign national employees shall be permitted to observe their official holidays as authorized in host country or other applicable agreements. Foreign national employees who are required to work on an authorized holiday must receive appropriate premium pay.

(c) Employees may not be relieved of duty without charge to leave or loss of pay on a day that is not their "official" holiday, unless the absence is due to circumstances that prevent work from being performed. In such cases, due to circumstances such as those described in paragraph C.3., below, employees shall be granted administratively excused absence.

(d) Due to mission requirements, both U.S. citizen employees and foreign national employees may be required to work on a day designated as a holiday with appropriate premium pay.

2. **In-Lieu of Holidays.** When U.S. citizen employees are off duty on an official holiday, the observed day shall be the same as for employees working in the United States. When foreign national employees are off duty on an official holiday, the observed day shall be as prescribed in the governing agreement. In the absence of guidance in a governing agreement, the same procedures shall be followed for foreign national employees as are followed for U.S. citizen employees.

3. **Circumstances That May Prevent Work From Being Performed.** It may be necessary to relieve employees from duty without charge to leave or loss of pay under the circumstances listed below or under equivalent conditions. In such cases, administratively excused absence will be granted.

(a) The place of employment is closed physically by law or legal authority, or essential building services cannot be provided and it is not practical to make other arrangements to accomplish work (such as rescheduling the work for another day or providing alternate worksites).

(b) When public transportation is the principal mode of travel and those services are discontinued to the point where most employees are prevented from reporting to work, and it is not practical to make other arrangements to accomplish work.

(c) Duties of employees in the DoD unit or activity concerned consist largely of dealing directly with persons who are observing the holiday and there are no other duties (consistent with their normal duties) to which the employees can be assigned on the holiday. (Under most circumstances, duties shall be available, particularly in the case of holidays which are known well in advance.)

(d) The Chief of Mission or the area Unified Military Commander may determine a closure is appropriate when a local holiday or special occasion is of such significance that conduct of business by some or all offices under his or her jurisdiction would be an affront to the host-country government or not in the best interest of the United States. Such a holiday or occasion should extend to all elements in the society; that is, normal business ceases and most, if not all, business and government offices are closed in commemoration of the event. (Examples include a national day of mourning or a special celebration of a day of founding or independence; however, closure should not extend to the majority of the recurring holidays.)

D. RESPONSIBILITIES. The area Unified Military Commander shall ensure, to the maximum degree possible, that there is a uniform practice developed and adopted for the observance of all holidays and that local operating procedures fully implement the DoD policy outlined in this subsection.